SHRI CHINTAMANI PANIGRAHI: Madam, some of the hon friends from that side commented about the treatment of Congress meeting out to the Governors. Madam, I submit that there is no kind of difference between the Centre and States. We are trying to see the development of the States as much as possible. We are wedded to that kind of development. There are questions like safeguarding the interest of the minorities, safeguarding the interest of the Tribals, etc. Let all of them come to the Governor and finally these will come to us. We will try to find via-media so far as all these conflicts are concerned and work them out.

Madam, now I appeal to all the hon. Members of the House to give their approval to this innocuous and simple Bill. This Bill has got only a limited objective. I also appeal to the hon. Member, Mr. Upendra and other friends who are opposed to this Bill to lend their support. This enhancement of the emoluments of the Governors is a very desirable thing and very much liked by this side of the House and I appeal to them also to lend their support to this simple and innocuous Bill. Thank you.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the Governors (Emoluments, allowances and Privileges) Act, 1982 as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI CHINTAMANI PANIGRAHI: Madam, I beg to move:

"That the Bill to passed."

श्री जगदम्बी प्रसाद यादव : : महोदया, एक चीज़ मैं जानना चाहूंगा। राज्यपाल यानी गवनर ईस्ट इंडिया कंपनी की देन है। लेकिन उस ईस्ट इंडिया कंपनी में गवर्नर के बाद गवर्नर-जनरल भी होता था। तो मैं माननीय मंत्री जी से जानना चाहता हूं कि वह गवर्नर के बाद गवर्नर-जनरल भी बनायेंगे क्या ? राष्ट्रपति ही क्यों ?

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to passed."

The question was put and the motion was adopted.

THE GOA, DAMAN AND DIU MINING CONCESSIONS (ABOLITION AND DECLARATION AS MINING LEASES BILL, 1987

THE DEPUTY CHAIRMAN: Now we will take up the Goa, Daman and Diu Mining Concessions Bill, 1987. Shrimati Ram Dulari Sinha.

THE MINISTER OF STATE IN THE DEPARTMENT OF MINES IN THE MINISTRY OF STEEL AND MINES (SHRIMATI RAM DULARI SINHA): Madam, I move:

"That the Bill to provide for the abolition of the mining concessions in operation in the Union Territory of Goa, Daman and Diu and specified in the First and the Second Schedules, and for the declaration of such mining concessions as mining leases under the Mines and Minerals (Regulation and Development) Act, 1957, with a view to the regulation of the mines to which such concessions relate and for the development of minerals under the control of the Union and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

Madam, with your permission I would like to say a few words while moving the Bill for consideration of the House.

[Shrimati Ram Dulari Sinha]

Goa Daman and Diu became part of the Indian Union with effect from 20th December, 1961. At that time, the regulation of mines and development of minerals in India, was done in terms of provisions of Mines and Minerals (Regulation & Development) Act, 1957. The provisions of this Act were, therefore, extended to Goa, Daman & Diu. This took place in two phases. Firstly, all provisions of the Act except Section 16, were extended with effect from 1st October, 1963. Section 16 empowers the Central Government to modify leases, granted before the commencement of the original MMR&D Act of 1948. This section was extended to Got, Daman and Diu with effect from 15-1-1966. This was done as a number of mining concessions granted under the Portuguese Law, called the Decree of 1906 were still in existence and had to be brought in conformity with provisions of the Central Act. The Controller of Mining Leases, then proceeded with the modification of these concessions, to bring them in conformity with the provisions of the MMR&D Act. The concession holders challenged the proceedings on the ground that they were not "existing mining lease" within the meaning of clause (c) of Rule 2 of Mining Leases (Modification of Terms) Rules 1956, and, therefore, not liable to modification.

Section 16 of the MMR&D Act was amended in 1972 to provide that all mining leases granted before the commencement of the Amendment Act 1972, should be brought in conformity within 6 months from such commencement or such further time as the Central Government may specify. When the Controller of Mining Leases initiated fresh proceedings, the concession holders filed writ petitions before the Goa Bench of the Bombay High Court. The Court held in its judgment of 29th September, 1983 that the concessions were not liable to modification as they were not mining leases within the meaning of the MMR&D Act.

The effect of this judgment has been two-fold; firstly, the concessions could not be brought within the purview of the Central enactment; and secondly, the payment of royalty on minerals extracted by the concessions holders, became the subject of dispute in Court of law.

It has, therefore, become necessary to bring these concessions indisputably within the purview of the MMR&D Act. This Bill provides for the abolition of all the mining concessions, granted under the Portuguese Colonial Laws before the merger of Goa, Daman & Diu to Union of India, and which are still in existence, with effect from the date of merger. These concessions have been listed in the First Schedule of the Bill. A few concessions, granted after the merger of Goa, Daman and Diu are also being abolished from the date next to the date of the grant. These are listed in the Second Schedule. The concession holders will be paid an amount, as specified in the First and Second Schedule, against his or her concession. The Bill also provides for the manner in which and the person by which, this amount shall be disbursed, and all incidental matters thereto.

The Bill also provides for the payment of dead rent or royalty, as the case may be, from the date of abolition of concessions and their declaration of mining leases. Any amount paid by the concession holder would be suitably adjusted. The concession holders will have no right for the recovery of any royalty, taxes or dues paid from the date of acquisition of concessions till the enactment of the legislation.

It is not our intention to deprive the concession holder of physical possession of the area held by them under the Mining concessions, or to prevent

them from undertaking any mining operations. The Bill, therfore, provides that every mining concession after abolition shall be deemed to be a mining lease under the Mines and Minerals (Regulation and Development) Act, 1957. The lease will be valid upto a period of six months, from the date of assent to the Bill. A provision is also being made for the renewal of the lease in accordance with the provisions of the MMR&D Act and Rules.

In substance, what is sought to be done, is merely to bring the mining activity in Goa, Daman and Diu also under the purview of the MMR&D Act and the Rules. I would, therefore, commend this Bill for adoption by the House.

The question was proposed.

MESSAGES FROM THE LOK SABHA

i. The Goa, Daman and Diu Reorganisation Bill, 1987

II. The Constitution (Fifty-seventh Amendment) Bill, 1987.

SECRETARY GENERAL: Madam, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary General of the Lok Sabha:

I

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Goa, Daman and Diu Reorganisation Bill, 1987, as passed by Lok Sabha at its sitting held on the 11th May, 1987."

II

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Constitution (Fifty-seventh Amendment) Bill, 1987, which has been passed by Lok Sabha at its sitting held on the 11th May, 1987, in accordance with the provisions of article 368 of the Constitution of India."

I lay the Bills on the Table.

THE GOA, DAMAN AND DIU MINING CONCESSIONS (ABOLITION AND DECLARATION AS MINING LEASES) BILL, 1987—Contd.

*SHRI NARAYAN KAR (Tripura): Madam Deputy Chairman, while supporting the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Bill, 1987, I would like to make certain observations on it on behalf of my Party. It is natural that all the States and Union Territories in India should be subject to the same laws. But, unfortunately, the Portuguese Mining Laws of 1906, a Law of Imperialist Power, is still applicable to Goa, Daman and Diu. It is well-known to us that the wealth of Goa, Daman and Diu was looted by the imperialist power of portugal before those territories were liberated. Even after Goa, Daman & Diu became integral parts of India, the Portuguese imperialists in collaboration with Indians have been looting the mineral resources of those territories.

Madam, Goa was liberated in 1961 and became integral part of India in that year. At that time the Mines and Minerals (Regulation and Development) Act, 1957 was not made applicable to the Union Territory of Goa, Daman and Diu. The said Act was made applicable to that Union Territory in 1963, that is, after two years. Even in 1963 the said Act was applicable with the exception of Section 16. I feel that the Government did so with some evil design. When Section 16 was made applicable in 1966, the mine

*English translation of the original speech delivered in Bengali.